



U.S. DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration
National Marine Sanctuary System
Stellwagen Bank National Marine Sanctuary
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24th SANCTUARY ADVISORY COUNCIL MEETING MINUTES
Cape Codder Resort, Hyannis, Massachusetts
12 June 2008 12:00 -4:30 PM

MINUTES OF MEETING

Present:

Regina Asmutis-Sylvia	Alternate: Conservation
Edward Barrett	Member: Mobile Gear Commercial Fishing
Priscilla Brooks	Alternate: Conservation
Dale Brown	Member: At Large
David Casoni	Alternate: Fixed Gear Commercial Fishing
Kevin Chu	Ex-Officio Alternate: NMFS
LT Rula Deisher	Ex-Officio Alternate: U.S. Coast Guard
Susan Farady	Member: Conservation
Robert Foster	Alternate: Diving
Peter Hanlon	Ex-Officio Alternate (Kathleen Dolan)
Heather Knowles	Member: Diving
Martin McCabe	Member: Marine Transportation
Leslie-Ann McGee	Ex-Officio Member: State MA CZM
Steve Milliken	Member: Whale Watching
Timothy Moll	Member: Business and Industry
David Pierce	Ex-Officio Member: State - MA Division of Marine Fisheries
Leona Roach	Alternate: Business and Industry
Richard Wheeler	Member: Education
Mark Wilkins	Alternate: Maritime Heritage

SBNMS Staff:

Craig MacDonald	Matthew Lawrence
Ben Cowie-Haskell	Deborah Marx Elizabeth Stokes
Nathalie Ward	Anne Smrcina

Others Present:

Dan Basta	Ed Lindelhof
Reed Bohne	Lou Cafiero

I. Welcome, Review of Agenda and Approval of 24th SAC minutes. Susan Farady opened the meeting and welcomed everyone.

i. Review of Agenda: The agenda was reviewed.

ii. Approval of 24th SAC Minutes: The Minutes were reviewed and approved with one amendment: Craig MacDonald stated that he misspoke in response to Leona Roach's question regarding the Boston Globe article. He sent everyone an email reflecting the correct response.

II. SAC Business

i. VOY Award (NMSF) (Craig MacDonald)

Craig MacDonald and Dick Wheeler attended a reception for the National Marine Sanctuary Foundation Volunteer of the Year Award in Washington DC. Craig was proud to have Dick as SBNMS nominee. The VOY was awarded to the Gulf of Farallones nominee for her help with the Gulf's oil spill cleanup.

ii. Annual Chair and SAC Coordinator's Meeting Report (Susan Farady).

1. Susan Farady and Nathalie Ward attended the SAC Chair and Coordinator's meeting in May at the Monitor NMS in Virginia. This is an annual event, which rotates around the various sanctuary sites. Stellwagen Bank NMS was chosen to present a case study for the northeast region—Marine Mammal Protection In SBNMS. It was an excellent presentation on the marine which included highlights of the shipping lane shift, the LNG process, and the sister sanctuary initiative. The study received a lot of great comments. Nathalie sent the case study to SAC members.

There was also a case study presented by Florida Keys representatives concerning zoning. The study covered the different types of processes and goals regarding zoning and protection, which were very instructive. This case study could be a possible resource in the future as the DMP and Zoning Working Group move forward.

2. Blue Seas Greening Communities Initiative (Nathalie Ward)

Nathalie Ward announced that a Blue Seas Greening Communities Subcommittee was formed at 11 Dec 2007 SAC meeting after Dan Basta sent a letter requesting that SACs support the initiative. Although there was no funding in place at the time, SBNMS SAC agreed to form a subcommittee, and chose to focus on the marine debris program as one of the project's initiatives. Since that time, Basta mentioned at the annual SAC Chair/Coordinators meeting that although funding was still not earmarked for specific sites to implement their greening initiative, he encouraged SACs to make a concerted effort to 'green' their council meetings and sites.

Nathalie Ward also spoke about the importance of future efforts to "green" SAC meetings.

- Regina Asmutis-Silvia inquired if the Greening Subcommittee does still exist. Nathalie Ward responded yes, but it is on hold pending availability of funding. Subcommittee members would be notified to report at the next Council meeting.
- Ben Cowie-Haskell was pleased to announce that Covanta Trash Energy Company has agreed to place a marine debris dumpster in Scituate. He invites everyone to attend the "Dumpster Rollout" ceremony on July 8th in Scituate. He particularly would like Ed Barrett to attend as representative of Plymouth, since Ed had expressed concern at the May 6 SAC meeting that there should be some way for Plymouth to dispose of excess fishing gear. Ben also hopes to have representation from the towns of Cohasset and Green Harbor at the 8th July event.

3. Highlighting Council Meetings Nationally. (Susan Farady and Dan Basta).

Susan announced that the SAC Chairs attended an informal dinner with Dan Basta. An ongoing issue discussed was the need for SAC Chairs to interact more often outside of formal annual Chair/Coordinators meetings. These additional meetings would pull together everyone and utilize all the expertise that is shared. Basta added: SAC Chairs need to be in touch with those who make decisions on behalf of the Marine Sanctuary Program. Some ideas for more interaction would be to have SAC Chairs attend leadership conference meetings and house caucus meetings. SAC Chairs agreed that this is a first step in deciding how to be more effective. A memo will be forthcoming that lays out how to accomplish this.

4. Reauthorization of the National Marine Sanctuary Act (Dan Basta)

Dan Basta reported that there is a lot of activity on Capitol Hill concerning the sanctuaries and that the Reauthorization of the SMSA is at the center of it. He outlined the various issues that are being pushed in the Act. An oversight hearing is scheduled in June. An important part of the NMSA is Title II – Maritime Heritage Program, which demonstrates how valuable the program is to protect marine wrecks and educate the public. NMSP needs more authority to protect these resources. The *Portland* was at the forefront of this program. He did assure everyone that the Bill would be introduced before the end of June. Testimony generated from the hearing will be made available as part of public record.

Basta addressed the funding issue. NMSP is on a continuing resolution and remains at ‘level’ funding again for the third consecutive year in an increasingly expensive environment. He hopes that the budget will be passed before the end of the year. The program cannot continue to get everything done without funding beyond February 2009. If there is no relief thereafter, cuts will need to be implemented.

Basta thanked and complimented everyone for their hard work on the Draft Management Plan (DMP). He wished it had “more teeth” but there is no document that is more scientifically competent and complete; it is the best document to-date in the system.

5. Regional National Relationships (Reed Bohne)

Reed reported that a session was held during the annual SAC Chair and Coordinators meeting between representatives from Monitor, Thunder Bay, and Stellwagen NMS. The purpose of the session was to address commonalities, issues, and concerns between the sanctuaries, and develop recommendations that would be mutually beneficial. The common theme between these three sites was Maritime Heritage. Information regarding the recommendations pulled together at the session will be forthcoming.

6. Performance Measures (Nathalie Ward). Ward reported that a requirement by the NMSP is that each SAC compile performance measures, which evaluate their progress and activities. At the end of each year, Nathalie provides the SAC with a retrospective of these priority projects and areas where the Council has provided significant input.

Questions, Comments, and Discussion—Performance Measures:

- Ed Barrett questioned the science and metrics that were used in the Condition Report. He asked who were the external reviewers.
- Nathalie Ward responded that SAC performance measures do not relate to those of the Condition Report or DMP; these are performance measures based on SAC motions.
- Ben Cowie-Haskell responded that the independent review panel consisted of the following members:
 - Water quality: Dr. Drew Carey, Coastal Vision
 - Habitat: Dr. Larry Madin, Woods Hole Oceanographic Institution
 - Living Resources: Dr. John Jahoda, Bridgewater State University
 - Archaeological: Mr. Victor Mastone, Massachusetts Board of Underwater Archeological Resources

The peer review report can be found at:

<http://www.cio.noaa.gov/itmanagement/prplans/ID55.html>

Craig MacDonald clarified the difference between the performance measures in the DMP and those of the SAC. The Condition Report was released a year before the DMP. The review and process of the Condition Report was conducted at site level; information-data-quality review was done by an independent panel. NMSP released the Condition Report and NOAA released the DMP. Other agencies within NOAA were given the opportunity to review and provide comment on the DMP prior to its release. Performance measures are related directly to the action plans and activities identified therein.

7. Management Plan Review (Ed Lindelof)

Susan Farady introduced Ed Lindelhof from ONMSP who heads the management plan reviews for all sanctuary sites. Ed briefed on the DMP process. One major issue is how long the process

takes and how can it be streamlined. A number of solutions and actions were offered to minimize the timeline; these were presented to the SAC Chairs at the annual meeting. The primary goal is to focus on up front planning and background work prior to the DMP review. It was determined that staff capabilities and resources, as well as intelligent dialogue on issues need to be assessed in advance of DMP review; as a result, some DMPs have been put on hold.

iii. Handbook and Charter.

In response to the SBNMS Council's request, Ed Lindelhof will find a way for SAC to review the newly revised handbook. He hopes that SAC members will be able to review it, once the internal review is complete sometime this fall.

Further discussion regarding the DMP was deferred until its allotted time on the SAC agenda.

iii. Clarifications from 11 December SAC Meeting.

1. Communication from SAC to NOAA (Handbook and Charter).
2. SAC Input to Revision of Management Plan Handbook.

Susan Farady updated SAC on these two unresolved issues that were generated from 11 December 2007 SAC meeting after SAC members voiced concerns about the delay in release of the DMP and their need to be able to provide advice and guidance to the process in accordance with the SAC handbook.

Dan Basta remarked that a lot of scrutiny is done internally before the DMP is released. He explained the political process and why it takes time. Steps in bureaucracy are complex. Everyone needs to work collectively to improve the system. He recognized the good work and contributions the SAC has made with the DMP.

Comments and Discussion (Basta, MacDonald, Farady, Brooks, McGee)

- Constituency built around SAC and DMP process was huge—delay creates hardship in maintaining public interest.
- Concerns and frustration voiced that final DMP process may veer into a "black hole". Benchmarks are unknown—look at SAC handbook and provide advice to develop some of these benchmarks to prevent the "black hole". DMP process needs to be more concrete and should not take over four years. The handbook needs to be properly vetted. How can SAC provide input to the handbook?
- Non-voting members should have also had a chance to review the letter that went to Admiral Lautenbacher.
- Craig MacDonald addressed the verbiage of the handbook and charter. Neither document is regulatory; therefore, they are not subject to the APA review procedures. However,

both are NMSP policy and establish council operations. SAC has to abide by and operate under the guidance and protocols outlined in the handbook and charter. The Council can amend the Charter.

3. Loss of NOAA Ship Time.

SBNMS has no ship time allotted for FY10 and beyond. Peter Auster, Rich Delaney, and David Wiley drafted a letter to NOAA requesting reconsideration of ship time allocation for SBNMS research cruises. This letter does not request new ship time, but regular allocation as in previous years. Susan Farady solicited SAC input on content of the letter and approval for it to go forward. The majority of SAC members agreed to send the letter forward after minor revisions. Kevin Chu, representing DMFS, abstained although he had no objections to the letter going forward.

iv. SAC Leadership Award(s)—Nominating Committee and Procedure (Nathalie Ward)

As Porter Hoagland, Subcommittee Chair, was not in attendance, Ward passed on his suggestion to the Council: i.e., members from the subcommittee will carry on as members of the Nominating Committee. Members are Porter Hoagland, Mason Weinrich, Peter Auster, and Steve Milliken. The issue will be revisited at the SAC October meeting and timetable discussed for award presentations. Recommendation is to bring forward a nominee at the December meeting.

v. SAC Coordinator Announcements (Nathalie Ward)

1. Four SAC meetings are held annually. Proposed meeting times are 6-17 October, 1-12 December, 2-13 March 09, and 1-12 June 09. Nathalie will send out these dates electronically to gauge everyone's availability.

Ed Barrett commented that December and March are critical months for folks in the fishing industry. He requested that December and March dates be pushed a bit to accommodate fishing months. He suggested that holding quarterly SAC meetings in January and April would be better than December and March. Nathalie responded that all efforts will be made to accommodate these time frames.

2. Recruitment. Steve Tucker resigned to move on to another job. The At-Large alternate seat as well as the Conservation Member seat will be available. September 15, 2008 will be deadline for applications. Information will be sent for SAC members to pass along to their constituents. Nathalie will notify everyone as soon as it is posted in the Federal Register.

3. Sanctuary SAC Communications. Nathalie is soliciting new and innovative ways to better communicate amongst members of the SAC and sanctuary staff. Constituent reports and luncheon speakers at SAC meetings are part of this effort. The Executive Committee suggested that Nathalie provide a quarterly report to the SAC in the form of a short synopsis on what projects the sanctuary staff is involved in as well as any special accomplishments it may have achieved. Susan Farady added that the reason for this report is to have a more regular flow of

information on sanctuary activities other than work being done with the DMP. This would permit SAC members to better advise constituents of ongoing sanctuary activities between SAC meetings.

III. DMP Update (Craig MacDonald)

Craig provided an update on the DMP and related public meetings that are underway. Eight meetings are scheduled. There has been consistent representation from commercial fishing interests, fishing charter folks, and diving communities. He has not seen much representation from the recreational fishing community, and none yet to-date from maritime industry or whale watching. So far, numbers in attendance varies from site to site. Craig shared his appreciation for the consistent representation from SAC members who have also provided comment. Members from the public at large have also offered comment.

i. Talking Points (Questions and Answers)

Per SAC members' request at May meeting, talking points were pulled together to convey what is important about the DMP as it relates to the action plans. Craig apologized for the inaccuracies in two previous versions that were sent to SAC members. The final corrected talking points will be emailed to everyone.

ii. CD Distribution:

There is a large quantity of CDs that needs to be disseminated. Craig asked the SAC's help in getting these out to their constituents.

Comments and Questions (Roach, Pierce, Casoni, Barrett, Moll, McGee, Milliken, Moll, Farady)

- DMP versus "Banknotes": Banknotes should not be referred to as a "cliff notes" version of the Plan in the public meetings. Emphasis should be made to encourage the public to read the entire plan.
- Very significant document that deserves thoughtful critique. DMFS staff will provide additional comment and recommendations that sanctuary staff may find helpful. More emphasis should be given to the action plans in public meetings. DMFS did not approve the plan, it simply gave guidance.
- What were most concerns from fishing community? What was direction of concern?—that fishermen may be shut out and are worried about further regulatory powers? These worries need to be diffused by working together; more cooperative effort is needed.
- Concern expressed on how this plan is being presented to the public and vetted at public meetings. The strength of the plan is the action plans and they are not focused upon. It appears that focus is on inflammatory comments about the fishing industry. There was a lot of good discussion and weeks of volunteer time in working groups spent on action

plans and these are not addressed in public meetings. This is troubling to folks who volunteered so much time in the spirit of cooperation and collaboration.

- Recreational boaters were very well represented. Suggested changes in the DMP are perceived as “going to happen”. The economic impact that is presented in the plan falls short of the reality of impact on the general economy. Who makes the suggested changes? Where are complaints or concerns directed?
- Public meetings lead to confusion rather than informed discussion. They do not lead to dialogue or clarification. It would be useful if an article could be written to Commercial Fisheries News to address this confusion. Sanctuary staff should engage more with Commercial Fisheries News to reach out to the fishing community.
- There will be a very public process. A 5-page NEPA document does not fully explore the impact and strategies. There is a need to stress that there will be a full-blown NEPA process for each individual issue that comes out of the implementation.
- Troubled by assumptions presented to public concerning behavioral disturbances by whale watch vessels and data of whale watch strikes. These findings are not happening in the sanctuary. Are specifics being explained such as “naturalists or whale watch operators” certification? Noted: Whale watch guidelines do work but need to be reviewed and updated.
- There is a public relations problem. There should be decoupling of regulations from the DMP and more honesty needs to be exhibited in the public meetings about what is being proposed and steps and processes that are taken in the plan.
- There was a lot of hard work and investment generated from the working groups. It is frustrating that the value from the processes of the working groups is lost in the way the document is presented.

Craig MacDonald response:

General concern generated from public meetings is that another federal agency is getting involved in fisheries management and regulations, and fishermen’s livelihood may be put at risk and affected. Craig will try to introduce things a little differently to allay these concerns, but one cannot escape the fact that fishing impacts resources. How do we continue fishing without overregulating? Fishermen want to be good stewards of their resources. Environmentally sustainable fishing holds up as ideal for the way fishing is conducted in the sanctuary. Fishing is something that will continue in the sanctuary. But things need to be done differently to minimize disturbances to habitat and reduce by-catch such as matching gear types with habitat types. It’s a challenge for the sanctuary and the fishing industry to find other ways to continue fishing. Collaborations and partnership incentives are being formed to switch gear types. Changes need to be made that would benefit commercial fisheries as well as the sanctuary. There also needs to be collaboration with the whale watch industry; the sanctuary values whalewatching. The final DMP is a non-regulatory framework for next step, which would take a few years to process.

IV. Constituent Reports.

i. Diving.

Heather Knowles, a dive charter boat operation and technical diver, gave an informative and informal presentation on background of the dive community, shipwrecks and diving in the sanctuary. Divers would like to cooperate with the sanctuary to explore shipwrecks. The Dive community has the capability of photographing wrecks and could partner with the sanctuary to identify and locate shipwrecks. It would contribute useful information to document these wrecks. Collaboration is needed to minimize impacts to marine life and to facilitate gear loss to fishermen and impact.

ii. Provincetown Center for Coastal Studies.

Richard Delaney gave an overview of research and projects undertaken at the Provincetown Center for Coastal Studies. The Center is broadening its agenda by interacting with other organizations to explore ways to collaborate. He presented work done within the sanctuary such as humpback whale surveys and coordinating large whale entanglement reports. Massachusetts Ocean Partnership is another collaborating entity. Noted that the Massachusetts Ocean Act was signed. Several SAC members have been involved in this and have support as an integrated ocean management plan for MA. Rich invited everyone to visit their new laboratory and help to find ways for future collaboration such as the Humpback whale studies program; large whale disentanglements network; and, policy development and vision for ocean management plan.

V. Other Council Business

i. Zoning Working Group (ZWG).

There is a lot of interest in moving forward with the ZWG. Craig stated that Appendix Q of the DMP refers to ZWG, and noted that the language of the indicated timeline can be changed by the SAC. Craig stressed that there is limited staff resources to keep the ZWG energized while finalizing the DMP. To redirect staff focus on ZWG will take resources away from finalizing the management plan. The final management plan needs to provide the guidance for ZWG.

Discussion and Comments (Brooks, Barrett, McGee, Brown, Cowie-Haskell, Farady)

- Concerned about delay in continuing with ZWG. A lot can be done without knowing specifically what is in the final DMP.
- Need to take a close look at everything the ZWG is doing. The ZWG has not met in almost two years. It is likely that the group will need until December to refresh itself on the issues.
- There is a lot going on while DMP is going forward. There needs to be some mechanism for the SAC to keep the ZWG active without relying heavily on sanctuary staff. The process needs to continue without a formal ZWG. This will take some work to initially get the group back together.

- DMP could be delayed due to the new administration, so SAC should move forward with ZWG. SAC felt that it was important to keep up the momentum while the final DMP plan was under way with respect to a zoning plan.
- SAC and sanctuary staff need to do its best to keep the ZWG in motion.
- Recommend that SAC get a summary of public comments at the October SAC meeting; this may influence proceedings in the ZWG. EFH omnibus process is ongoing parallel to the ZWG process; these are both inter-related. SAC support is needed in efforts to coordinate and integrate the EFH omnibus process with the ZWG process.
- Noted that the Zoning Working Group will be on the agenda of the October SAC meeting. At that time, Ben Cowie-Haskell will provide an update on what the ZWG has accomplished and what its charge was and what direction it is taking.

ii. Ben Cowie-Haskell requested that the record be amended to include Vic Mastone as one of the independent peer reviewers for the Condition Report.

iii. Susan Farady announced that she is leaving the Ocean Conservancy to take a position directing the Marine Affairs Institute and Rhode Island Sea Grant Legal Program; consequently she will step down from her conservation seat and as SAC Chair.

iv. Final Remarks by Dan Basta. The SAC's purpose is to sustain coastal communities, cultures, and ecosystems. SAC should recognize the good work it has accomplished. The SAC speaks for Stellwagen Bank NMS and the environment. He encourages the SAC to go forward on other issues even though the DMP has been delayed. The DMP is a good foundation. SAC has a lot to offer to come together and do great things. The sanctuary staff is available to support the SAC. When 'black holes' occur, communication amongst SAC and constituents is key.

VI. Meeting Adjourned.